SRS/A

F. IX-4

1940-41 (CB)

File No. 125-37

Previous References

L.R. 320-40-1

P.P. 73-31-18

C.B. 148-37-366, 2, 27, 137, 155, 168, 174, 178,

Letter References. 226, 235, 264, 266 & 258.

1 · 153-37))

Serial Nos. 363, 369, 386, 387 & 388

64

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 363, 369, 386, 387 & 388.

Part. B for June 1941.

SUBJECT.

Acquisition of Lands for Field Works Training Ground Q.V.O. Moorings Peasporse & Mi

WD 0418—GPB—22,500—23-8-36

Acted 9/6

Serial No.

Subject: Acquisition of lands for Field works Training ground for Q.V.O. Madras Sappers and Miners.

D.O.No.R.F.352 dated 8th August 1940 from the Secretary to the Resident.

States that it has become necessary to re-open the question of the acquisition of lands and that the Govt. of India have decided to carry out the whole project immediately.

The Residency have further requested that the lands in question may be acquired by the Government of Mysore at their own cost and then the jurisdiction over it surrendered to the British Military Authorities.

Subd. with references.

Subd. The subject has been dealt with in detail in paras 35, 37 and 48 to 50 of the notes in the printed collection.

In 1937 in a note defining the boundaries of the areas to be retained for the Cantonment, the Government of Mysore had agreed to acquire a plot of land on the north-east corner of the Civil and Military Station northern boundary, and to transfer jurisdiction over it to the British Government. It was presumed that the

NOTE—Contn. Sheet.

Serial No.

cost of acquisition would be met by the military authorities. The plot measures about 70 acres and the cost of acquiring it is estimated to be about Rs.49,500/-. An year later, in 1938, the Residency proposed that the plot should be acquired by the Government of Mysore at their own cost as part of the retrocession proposals under Article 8 of the Mysore Treaty and ~~cease~~ cede jurisdiction over the land. The Government of Mysore demurred to this proposal. They said that they would give free such portions of the plot as belonged to them; but that in the case of lands under private ownership the cost of acquisition should be borne by the Military authorities. The Residency did not agree with this view. They stated that there was ample justification under the Treaty to require a free cession of the land from the State but the proposal itself was stated to be withdrawn for the time being. The question has now been re-opened and the Residency request that the State may acquire the land at its own cost, and transfer it to the British Government with jurisdiction over the land.

Article 8 of the Treaty imposes no doubt an obligation to the grant free of all charge such lands as may be required for cantonment needs and to renounce all jurisdiction within the lands so granted. A similar obligation imposed on the State by Article 14 of the Treaty to cede lands required for railway purposes has been modified by a subsequent Resolution of the Government of India

Serial No.

which lays down that where it is proposed to acquire lands in private ownership, the Government of India would pay the same degree of compensation to the State as is payable by the State to the private owners. There is no such Resolution modifying the obligation to cede lands required for cantonment purposes.

All the same the State has not so far been called upon to fulfil this obligation to the letter. The question arose in 1905 in connection with the site for the Sappers Lines at Ganganahalli which the State was asked to transfer free of all charge. Sir James Bourdillon, the then Resident, taking his stand on the provisions of the Treaty, contended that the State was bound to hand over the land, as the land was required for military purposes. This contention was upheld by the Government of India, but the proposal itself was withdrawn. The unfairness of imposing on the State the burden of payment of compensation in such cases may be said to have been recognised by the British Government, for in actual practice the British Government itself pays the compensation required for the extinction of private rights. Thus when the military authorities wanted a plot of land measuring about 357 acres near Hadagodi, they proposed to acquire on payment of compensation. Similarly the military authorities are now proposing to acquire 33 acres of land at Rajankunte after payment of compensation.

NOTE—Contn. Sheet.

The retained area will comprise nearly 5 square miles. If more lands are required by the Military authorities, it is but proper that the burden of payment of compensation for the extinction of private rights should be borne by them. If the lands in question were situated in the Civil and Military Station or in a British Province, the Military authorities could have taken possession of them only after the payment of such compensation. Even in Mysore it has become the normal practice, notwithstanding the provisions of Article 8 of the Treaty which should now be regarded as archaic, for such lands as are required for military purposes to be acquired on payment of compensation by the military authorities. There does not appear to be any overwhelming reasons why this practice should be departed from in this instance by resorting to a literal interpretation of the obligation imposed by the Treaty.

The question of jurisdiction also should be resisted. When the Dewan was pleased to agree in December 1937, it was clearly as a part of the scheme of retrocession in view of the fact that some other area would be retroceded to the State. But such is not the case now. Not only is it not necessary to cede jurisdiction but it would be palpably unjust to ask for more area for military purposes as a reply to the indefinitely prolonged negotiations regarding retrocession.

OFFICE OF THE
FIRST MEMBER OF COUNCIL
SEP 10 1940
No. 2439.

I took this up

Draft Sent

1st Member to Dewan

11/9/40

MS 1879

12-I-40 MS 129

530

General and Revenue Secretariat | File No. | of 194 . | [App. F. III–2

Serial No.

D. S. N. [illegible]

Second Member / Dewan

14.9

13.9.40

D. S. N'S C

1[illegible] SEP 1940

NO. 681

2563

14.9.40

NOTE—Contn. Sheet.

Submitted to His Highness.

These papers relate to a proposal received from the Residency for the acquisition of certain lands required by them for field work training ground for the Q.V.O. Madras Sappers and Miners. In 1937 Government agreed to acquire a plot of ground on the north-east corner of the Civil and Military Station northern boundary, and to transfer jurisdiction over it to the British Government. It was presumed that the cost of acquisition would be met by the British Military authorities. The plot measures about 70 acres, and the cost of acquiring it is estimated to be about Rs.49,500/-.

An year later, in 1938, the Residency proposed that the plot should be acquired by the Government of Mysore at their own cost as part of the retrocession proposals under Article 8 of the Mysore Treaty, and cede jurisdiction over the land. The Government of Mysore demurred to this proposal. They said that they would give free such portions of the plot as belonged to them, but that in the case of lands under private ownership, the cost of the acquisition should be borne by the Military authorities. The Residency did not agree to this. They stated that there was ample justification under the Treaty to require a free cession of the land from the State. The question was however dropped then, and the Government of Mysore was informed that when the project is carried out, the Mysore Government will again be asked to acquire this land at their own expense and to surrender jurisdiction over it.

The Residency have now re-opened the subject, and they request that the State may acquire the land at their own cost and transfer it to the British Government with jurisdiction over the land.

Article 8 of the Treaty no doubt imposes an obligation to the grant, free of all charges, of such lands as may be required for cantonment needs and to renounce jurisdiction over the lands so granted. A similar obligation imposed on the State by Article 14 of the Treaty to cede lands required for railway purposes, has been modified by a subsequent resolution of the Government of India, which lays down that where it is proposed to acquire lands in private ownership, the Government of India would pay the same degree of compensation to the State as is payable by the State to the private owners. There is no such resolution as regards Article 8 of the Treaty. But our contention that the cost of acquisition should be borne by the Military is strengthened by this analogy.

I beg to submit in this connection that the State has not so far been called upon to fulfil this obligation of the Treaty to the letter. The unfairness of requiring the State to meet the expenditure for the benefit of the Defence Department has been recognised by the British Government and such lands as are required for military purposes have in the past been acquired on payment by the military authorities.

The

The area which is proposed to be retained for the purposes of the Cantonment under retrocession, comprises more than five square miles, which is perhaps larger than any other Cantonment in an Indian State. If more lands are required by the military authorities, it is but proper that the burden of payment of compensation for the extinction of private rights should be borne by them. If the lands had been situated in the Civil and Military Station or in a British Indian Province, the military authorities could have taken possession of them only after payment of compensation. Even in Mysore, it has become the normal practice, notwithstanding the provisions of Article 8 of the Treaty, which should now be regarded as archaic, for such lands as are required for military purposes, to be acquired on payment of compensation by the military authorities. There does not appear to be any overwhelming reason why this normal practice should be departed from in this particular instance by resorting to a literal insistance on a clause of the Treaty, which is both inequitable and unnecessary.

The question of jurisdiction also has to be resisted. When the Government of Mysore agreed in 1937 to cede jurisdiction, it was as a part of the scheme of retrocession in view of the fact that some other area would be retroceded to the State. But such is not the case now. Not only is it not necessary to cede jurisdiction, but it would be palpably unjust to ask for more area for military purposes as a reply to the indefinitely prolonged negotiations regarding retrocession.

A draft letter to the Residency put up on the above lines has been agreed to by the Members of Council, and it may be graciously approved.

Mirza M. Ismail

DEWAN.

Bangalore,
14th September 1940.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Residency communication regarding the acquisition of lands for Field Works Training ground for Q. V. O. Madras Sappers and Miners.

Chief Secy.

I shall be thankful if you will kindly arrange to forward the enclosed letter from the P.O. to H.E. the Viceroy & Governor-General to reach Delhi on the 3rd proximo.

I feel very strongly that in view of the statement made by the Government of India in their letter No. 145 dated 17.9.40. forwarded with the Resident's D.O. letter dated 17.9.40. no further action should be taken in the matter of the acquisition, surrender of land at the cost of the State. It is a preposterous proposal, & I feel we shall resist it to the bitter end. The papers may be filed in the Secretariat.

MK
1-1-41

MK
2.1.41

Order.

TRW.
17/9/40.

C1799

File no. 166.

Vasantha Mahal,

Mysore.

20th September 1940.

My dear Mirza,

With reference to the question of the Residency's demand for the transfer of the land required for the field training ground for the Q.V.O. Madras Sappers and Miners, I am desired by His Highness the Maharaja to ask you to consider whether, in view of the facts that the land is required for a War emergency and that you did have notice two years ago that, when the demand was made, it would be made under article 8 of the Treaty, it would not be advisable to agree to acquire the land, but at the same time to press the claim that the Government of India should pay whatever compensation had to be paid for the extinction of private rights in the land.

I am not sure whether under present conditions the resolution of the Government of India that provides for reference of such disputes to an arbitration court is still effective, but if it is I should be disposed to recommend a request for such a reference. This would be much more effective than a mere protest.

In the hope of saving you time, I have put up for your consideration an alternative draft indicating the lines of the protest as I would suggest that it should be made.

Yours sincerely,

SNK.

The Secretary to the Hon'ble the Resident
in Mysore, Bangalore.

Sir,

Acquisition of land for Field Works Training Ground for Q.V.O. Madras Sappers and Miners.

I am desired to refer to the correspondence ending with your secret d.o. No. R.F. 352-40/Pol., dated 12th September 1940, on the subject of the acquisition of a certain piece of land which is required as part of a field training ground for the Q.V.O. Madras Sappers and Miners.

I am to say that the Government of Mysore have, with considerable reluctance and solely in view of the War emergency, ordered the acquisition and transfer of the land. At the same time I am to say that this Government cannot accept the proposal that the cost of the acquisition of private rights in the land should properly be met out of Mysore revenues, and I am to request that the following protest may be forwarded to His Excellency the Crown Representative.

To recapitulate: at the time when the Treaty of 1799 was entered into between the East India Company and the minor Maharaja of Mysore, the country was in a very disturbed state and the Treaty made provision that the Company should maintain an army in the State to protect it against internal enemies, in return for which the State was to pay a large

subsidy to the Company. As one incident of this agreement, it was further arranged that there should be made available to the Company all such forts and fortified places as were necessary for occupation by their army. In the years that elapsed between 1799 and 1881, during the great part of which time the State was under British administration, the forts and fortified places were abandoned and their place was taken, without any amendment in the Treaty, by scattered cantonments. By 1881 all these had been abandoned with the exception of that at French Rocks. Meanwhile the headquarters of the Civil and Military administration, which had originally been located in Seringapatam, when it was British territory, had been transferred to Bangalore.

The transactions of 1881 varied these arrangements in several ways. The island of Seringapatam was ceded to the State. The Maharaja undertook not to object to the establishment of cantonments and to grant free of charge land required for cantonments so established, and as a special case this clause was applied to the area which was even then described in the deed of assignment as the Civil and Military Station of Bangalore.

It has been the understanding of this Government that the establishment of a cantonment and the cession of the land included in it was a matter to be settled once and for all, since it would obviously be inequitable that the State should be called upon from time to

time to acquire new pieces of land adjacent to a cantonment in areas where land values were steadily rising by reason of the proximity of the cantonment itself. That this view was shared by the Government of India seems to be obvious from the fact that, when additions to the cantonment area have been required in the past, the Government of India have always paid for the cost involved in the extinction of private rights. For two recent instances, I would refer you to the proposal to acquire 357 acres near Hadagodi (vide your letter No.414/344-1931, dated 19th January 1931, dated 19th January 1932) and to the proposal which is still under consideration to acquire 33 acres near Rajankunte. I may add that, in the cognate case of lands required for railways, the similar provision of the Treaty has been specifically abrogated by a resolution of the Government of India.

For a number of years past, there has been under negotiation with the Government of India the question of the retransfer to State ownership and jurisdiction of so much of the area of the Civil and Military Station as is not required for military purposes. Similar proceedings in several other States have been concluded, apparently without difficulty, but in the case of Bangalore the negotiations have been drawn out over long years. In the course of these negotiations there arose the question of the addition of the land in question to that occupied by the Q.V.O. Madras Sappers and Miners in exchange for the transfer to the State of certain lands in other parts of the Station. It is true that, in the claim made for this portion of land, a reference was made to clause 8 of the Treaty, but in the view of this Government that reference was irrelevant. The question in issue was not one of establishing a cantonment, but one of readjustment of the boundaries of an area which is used partly for civil and partly for military purposes so as to restore the former to the jurisdiction of the State by a process of mutual adjustment.

The claim made in 1938 was withdrawn on the ground that the Military Department had found themselves unable to pay for the extinction of private rights in the portion of the new area proposed to be taken up which lay within cantonment$ limits. And the Government of Mysore cannot refrain from expressing their surprise that, with this evidence before them that the land in question was of high value and not such as would under normal conditions be taken over for a field training ground, the Government of India should attempt to insist on the payment by the Government of Mysore for an exactly similar extinction of private rights in an adjoining area of land.

The claim is now renewed, while the rest of the negotiations are apparently indefinitely postponed, and (in making it the Government of India leave out of account the whole of the negotiations for an exchange, and propose to compel the Government of Mysore to pay for the extinction of private rights by bringing into operation a clause of the treaty which has never yet been applied and which, in the opinion of the Government of Mysore, was never intended to be applied in the manner now proposed.

To sum up, I am desired to say that, whereas the Treaty contemplated the maintenance of troops for the defence of the Mysore State against internal enemies, no troops for that purpose are now maintained. It follows that

no cantonments are required under the terms of the Treaty for the residence of such troops. The Bangalore Civil and Military Station constitutes altogether a special case, and if the readjustment of its boundaries involves the exchange of land under State control in one locality for land under British control in another, that is a matter for adjustment as part of a major transaction and not for the invoking of a provision of the Mysore Treaty and conventions of fair dealing that history has made obsolete.

I am desired to request that these ~~representations~~ views may be forwarded to the Government of India and that if they are not able to accept the point of view now put forward by the State, His Excellency the Crown Representative may be requested to assent to the appointment of a court of arbitration to enquire into the question under the provisions of ~~the~~ resolution No.427-R of the Government of India in the Foreign and Political Department dated 29th October 1920.

I have the honour to be,

Sir,

Your most obedient servant,

CHIEF SECRETARY.

SNK.20-9-40.

Serial No.

Subject:- Acquisition of lands for Field Works Training Ground for Q.V.O. Madras Sappers and Miners.

Revised draft approved by the First Member of Council, is subd.

Dewan)

27.9.40

28-9-40

2nd Member)

28.9.40

28.9.40

869 pr no. 446/cs dated 20.9.40 To the Secy to the Resident

States that their Jurisdiction over the Mysore Govt. who meet the Cost of acquisition of private lands required for the Mtg. ant of State Railway & that Jurisdiction over it should also be surrendered cannot be accepted & that the protest of the Mysore Govt against such a request may be forwarded to HG. the King for Consideration.

Govt (Re: Rayacottai Kumbum lands)

11-4-38 fit 13-3-39 - 31-1-5

Such was handed over to Govt has been returned to Govt

From the Secy to the Resident, No. R7.35 & 21-12-40 stating that the Crown Representative considers that under Art. 8 of the Treaty the Mysore Govt. should acquire the lands;

NOTE—Contn. Sheet.

3997/40

Serial No.

also stating that one of the causes of the delay for retrocession was the question of representation of C. & M. Station in the Mysore Reformed Legislature

A. D. J. N. is invited as directed on P. & J.

(Sd.) Illegible Dewan

MRS 25/12/40

Submitted to His Highness.

With His Highness's approval, a communication was addressed to the Residency stating that the Government of Mysore cannot accede to the proposal of the Government of India that the cost of acquisition of private rights in a certain piece of land, which is required by them as part of a field training ground for the Q.V.O., Madras Sappers and Miners, should be properly met out of Mysore revenues and that jurisdiction over it should be surrendered. It was also made clear in this letter that it was not fair on the part of the Government of India to invoke the aid of clause 8 of the Treaty, which has never been applied and which was never intended to be applied in the manner now proposed.

I submit herewith for His Highness's gracious perusal the reply just received from the Residency stating that the Crown Representative considers that under Article 8 of the Treaty, the Government of Mysore are liable to acquire the land in question at their own cost and to hand it over with full jurisdiction. The further action to be taken in the matter will be considered and a note separately submitted for His Highness's orders.

N. Madhava Rau

First Member of Council in charge of current duties of the Dewan.

Bangalore,
25th December 1940.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Residency letter regarding acquisition of land for Field Works Training Ground for Q.V.O. Madras Sappers and Miners.

Order.

29/12/40.

2.1.41

The file may be returned

to the Brief Secretary.

Grey
2/2/41

(CB.)
4/2/41

4/2

Confide

120 + 3 + 24.

Awld. for orders if the file may be sent to the P.S.O. for being taken to Delhi, if so desired by the Dewan.

WJ
13/1.

Yes.
MK
13.1.41

letter regarding acquisition: Field works Training ground Madras Sappers and Mine

(*

files
may
indi
nari
Cou
orde

nbers of Council for perusal of His
ore/~~after~~ issue of orders. (*Vide* Rules
idiary Rules for the conduct of business
of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

....Department.

FIRST MEMBER OF COUNCIL. (on Deputn)

SECOND MEMBER OF COUNCIL.

For perusal.

First Member.)

6121
2-1-41

6683
6-1-41

RLL
2.1.41

CB.
MK
31/1/41

MK
6.1.41

Secy.
7/1/41

MK
7/1

35. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

NOTE.—Contn. sheet

WD 01183—GPB—500—16-10-40

General and Revenue Secretariat | File No. 1985/B. of 194 . | [App. F. III-2

Serial No.

FEB 10 1941

1998

4.

5340

V.

CHIEF SECRETARY. 4. FEB. 1941 GOVT. OF MYSORE.

Subject:- Acquisition of land for Field Works Training Ground for Q.V.O. Madras Sappers & Miners.

Subd. The Dewan had minuted that he would discuss the subject with the Political Department at Delhi. The file ~~also~~ had also been taken to ~~DELHI~~ Delhi and it has now been returned by the P.S.D. The further action to be taken in the matter is for orders A reply is due to the Residency letter of the 21st December 1940.

Cd 4/2

1st Member & Dewan

MK 7.2.41

NLL 12/2/41

Pleas await decision of Govt Resp. which will be communicated to us in due course. Pleas impress on Resident orally that no reply is being sent pending receipt of a further Comm from Govt of India.

Imperial Secy 14/2/41.

13-2-41

First Member) NLL 17/2/41

Secd Member) KVA 18.2.41

NLL 19/2

FEB 17 1941

OFFICE OF THE SECOND MEMBER OF COUNCIL. 17 FEB. 1941 No. 2028

NOTE—Contn. Sheet.

File No. of 194 . | General and Revenue Secretariat

Serial No.

Letter No.R.F. 352-40/Pol. dated the 28th April 1941 stating that in view of the urgent necessity for the extension of the Sappers & Miners Training Ground, the acquisition proceedings for plot 10 may be proceeded with urgently, without prejudice to the question as to who should pay for the extinction of private rights.

DEWAN'S OFFICE
2. MAY 1941
NO. 2491

Subd. This is one of the subjects that was discussed at Delhi by the Dewan with the Political Dept. It was ordered that no reply need be sent to the previous communication in the matter, pending receipt of a further communication from the Govt. of India. It is now stated that the examination of the question of liability to defray the cost of acquisition will take longer than anticipated, and that in view of the urgency of the matter, proceedings for the acquisition of the plot may be initiated early.

The total extent of land required is about 70 acres and 21 guntas, consisting of 29 acres wet land, 1½ acres gardens and 40 acres of dry land. The cost of the acquisition of lands is estimated at Rs.49,500. Subd. for orders.

Hag M

30/4

for member & Dewan

30/4/41

Nil

1/5/41

To look for this file order. Papers in mutt. agn this Application, on this ground.

2/5/41

5/5/41

CHIEF SECRETARY TO GOVT. OF MYSORE.
30 APR. 1941

OFFICE OF THE FIRST MEMBER OF COUNCIL
APR 30 1941
No. 1116 0

Serial No.

D. I. N. - Jwhd

Dewan)

DEWAN'S OFFICE
7. MAY 1941
NO. 7577

NOTE—Contn. Sheet.

Submitted to His Highness.

I submit herewith, for His Highness's gracious perusal, a letter dated the 28th April 1941 from the Residency, intimating that, in view of the urgent necessity for the extension of the Sappers and Miners training ground, action may be taken to proceed urgently with the acquisition of the lands without prejudice to the question as to who shall eventually pay for the extinction of private rights.

The Crown Representative had intimated in December last that the Government of Mysore were liable to acquire the land in question at their own cost and hand it over with full jurisdiction. I discussed the matter with the Political Department during my visit to Delhi in January last, and as a result of this discussion, a further communication was awaited from the Government of India.

It is now stated, however, that, as a complete examination of the question of liability to defray the cost of acquisition will take longer than anticipated, the Government of India request that acquisition proceedings may be proceeded with urgently. A further letter has also been received from the Residency stating that it is proposed to examine the question of the necessity or otherwise of the surrender of jurisdiction along with the question of liability for the extinction of private rights. In view of the fact that the land is required for war emergency, necessary urgent action will be taken to acquire the land and place it at the disposal of the Government of India, pending disposal of the question of cost and jurisdiction.

The gracious sanction of His Highness is solicited for the action proposed to be taken in the matter.

Mirza M. Ismail

DEWAN.

Camp Fernhill,
7th May 1941.

Record of Cases submitted for the Orders of His Highness the Maharaja.

No 770
7-5-1941

Subject.

Residency communication regarding the acquisition of lands for Field Works Training ground for Q.V.O.Madras Sappers and Miners.

Chief Secy
No
14-5-41

CB. Secy
14/5/41

No.748.

Order.

VRN.
9/5/41.

General and Revenue
Secretariat.

C 636.

SUBJECT :—

Revenue communication regarding the acquisition of lands for Field Work Training ground for R.V.C. Madras Egmore and Ruins.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

M. Venkatesalyengar
Dy. Secy
for Chief Secretary to Government.

Through the Secretary to Government,

.....Department.

11794
14/5/41

FIRST MEMBER OF COUNCIL.

14/5/41

11644
15.5.41

SECOND MEMBER OF COUNCIL.

15.5

C.B.

17/5/41

NOTE.—Contn. sheet

WD 02010—GPB—250—19-3-41

General and Revenue Secretariat

File No. 1985/42 of 194 . [App. F. III-2

Acquisition of lands for Field Work Training Grounds for Sappers & Miners

Serial No.

Submitted with two Drafts of letters
(a) Letter to the Dc Bangalore
(b) Letter to the Secy to the Resident.

For perusal before issue
MW 16/5/41

(First Member)

HonR 16.5.41

MW 16/5/41

MW 16/5/41

OFFICE OF THE FIRST MEMBER OF COUNCIL
MAY 16 1941
No. 11913

No. 4188 dated 17.5.41
From Dy. comr Bangalore.
Requests him to take proceedings to acquire the lands in question under Sec. 17 of the Land Acqn Act & to send Preliminary & final declaration statements.

No. 4189 dated 17.5.41
From Secy to the Resident.
States that action is being taken to acquire the land required & place it at the disposal of the Govt. of India.

Sub

Letter No. C.S. L.A.P. 74/40-41 dated 22nd May 1941 from the Dy. Comr. Bangalore Dt forwarding preliminary notices and final Declaration Statements for acquisition of lands in question, the work being entrusted to the Land Acqn Officer

NOTE—Contn. Sheet.

Serial No.

for Bangalore

The cost of acquisition is estimated at Rs 57300/-. Pending disposal of the question of the cost and jurisdiction of the lands, orders have been passed to proceed with the acquisition of the lands. Orders are solicited as to the source from which this amount is to be met. ~~As the amount is too big it may perhaps be necessary to ask for an additional grant.~~ A.

It is proposed to entrust the work to Mr. K. Balasubramanyam, Asst. Comr. doing duty as Spl. Land Acquisition officer, Bangalore. The items of acquisition in cases that are now being attended to by him are given in the margin of the G.O. No. D 1256-8 RR 5-20-40-2 dated 4th March 1941 + two years time to complete the work is sufficient. These works are also of a very urgent nature and have to be attended to expeditiously. The civil officer, ~~Bangalore~~ and Subordinate officer, Bangalore Subordinate, has, ~~to attend~~ besides the work of the Subordinate, to attend to the military calls and requirements such as acquisition of lands for camp site, rifle range etc requiring prompt and careful attention. The point for consideration is whether the acquisition of lands ~~in acquisition~~ may be entrusted to the Spl. Land Acquisition Officer, Bangalore.

Serial No.

B | or whether it is necessary to appoint a separate office for attending to this important and urgent work.

A & B are for orders.

OFFICE OF THE FIRST ASST. SECY. OF GOVT.
MAY 27 1941
No. 12353

HSMR 26.5.41

The acqn. work may be entrusted to the Spl Land Acqn. Offr. Action, I think, will be regd under Sec 17 of the Land Acqn. Act. The work is not likely to take long as the area to be acqd is compact and the no. of cases not very large.

1st member

MK 27.5.41

Secretariat 6697 29 MAY 1941

I agree

NLL

28/5/41

MK 28.5.41

Submitted with our Drafts.

(a) G.O. sanctioning the acquisition

~~(b) Notn. to be published in the Notfn.~~

HSMR 28/5/41

The Land Acquisition Officer is requested to proceed with the acquisition of the lands mentioned in the Schedule appended to the Notification.

Sd/- 29/5

MK 29.5.41

29 MAY 1941 GOVT. OF MYSORE.

Final Secy

With Compts

AS 31.5.41

JVJ 31/5

MK 31.5.41

Draft Notfn. here.

Fl. cm-36 ls

B

B 3/6/41

3/6

530 C.S.

SECRET.

D.O.No.R.E.352/40.

BANGALORE,

8th August 1940.

Acquisition of land for Field Works Training Ground for Q.V.O. Madras Sappers and Miners.

CS 125-37-363

C.S. Return 11/8/40

My dear Kesavaiengar,

Please refer to Trevelyan's demi-official letter No.R/1451/140-37(1-1)B, dated the 3rd February 1939.

Hag B

2. Owing to the War and the increasing needs of the Q.V.O. Madras Sappers and Miners, it has been found necessary to re-open the question of acquisition of land for their Field Works Training Ground and the Government of India have decided to carry out the whole project at once.

3. I am therefore to request that the Government of My kindly will acquire at their own cost the plot of land outsic the Civil and Military Station required for the field-wc training ground of the Q.V.O. Madras Sappers and Miners then surrender jurisdiction over it.

Yours sincerely,

H.B.

Rajasevaprasakta
Mr. B.T.Kesavaiengar, B.A.,
Chief Secretary to the Government
of His Highness the Maharaja of Mysore.

P.N.

URGENT

SECRET

D.O.No.R.F.352-40
Pol.

Bangalore,
12th September 1940.

Acquisition of land for Field Works Training Ground for Q.V.O. Madras Sappers and Miners.

CB Ans 13/9

My Dear Kesavaiengar

I am desired to acknowledge with thanks the receipt of your Confidential demi-official letter No.1131/CB., dated the 2nd September 1940.

2. I am to request that a reply may kindly be sen at a very early date to Captain Biscoe's Secret dem official letter No.R.F.352-40/Pol., dated the 8th August 1940, as the land is required urgently for the immediate training of Sappers and Miners in the present emergency.

Yours sincerely

A Macaw

Rajasevaprasakta
B.T.Kesavaiengar, Esq., B.A.,
Chief Secretary to the Government
of His Highness the Maharaja of
Mysore, Bangalore.

1067

CB

SECRET.
U R G E N T.

D.O.
No.R.F.352-40/Pol.

THE RESIDENCY,
BANGALORE.
25th September 1940.

PRIME MINISTER'S OFFICE
26 SEP. 1940
NO. 1691

Acquisition of land for Field Works Training Ground for Q.V.O. Madras Sappers and Miners.

My dear Sir Mirza.

I would be grateful if you would kindly let me have a reply to Biscoe's Secret demi-official letter No.R.F.352-40/Pol., dated the 8th August 1940, to Kesavaiengar on the subject mentioned above. The land is required urgently for the immediate extension of the training facilities for the Sappers and Miners in the present emergency.

Yours sincerely,

Jog - Mr 26/9/40

Amin-ul-Mulk Sir Mirza M. Ismail, KCIE., OBE.,
Dewan of Mysore,
Bangalore.

First Member)

CB. MI 26/9

Pol 446 / CB. 125-37-869

29th September 1940.

30-

Major A.E.H. Macann,
Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

Subject:- Acquisition of land for Field Works Training Ground for Q.V.O. Madras Sappers and Miners.

I am directed to refer to the correspondence ending with your secret D.O. letter No.R.F.352-40/Pol., dated 12th September 1940, on the subject of the acquisition of a certain piece of land which is required as part of a field training ground for the Q.V.O. Madras Sappers and Miners.

I am to say that the Government of Mysore cannot accede to the proposal that the cost of the acquisition of private rights in the land should properly be met out of Mysore revenues and that jurisdiction over it should be surrendered, and I am to request that the following protest may be forwarded to His Excellency the Crown Representative.

It has been the understanding of this Government that the establishment of a cantonment and the cession of the land included in it was a matter to be settled once and for all, since it would obviously be inequitable that the State should be called upon from time to time to acquire new pieces of land adjacent to a cantonment in areas where land values were steadily rising by reason of the proximity of the cantonment itself. That this view was shared by the Government of India seems to be obvious from the fact that, when additions to the cantonment area have been required in the past, the

Government of India have always paid for the cost involved in the extinction of private rights. For two recent instances, I would refer you to the proposal to acquire 357 acres near Hadagodi (vide your letter No.414/344-1931 dated 19th January 1932) and to the proposal which is still under consideration to acquire 33 acres near Rajankunte. I may add that, in the cognate case of lands required for railways, the similar provision of the Treaty has been specifically abrogated by a resolution of the Government of India.

For a number of years past, there has been under negotiation with the Government of India the question of the retransfer to State ownership and jurisdiction of so much of the area of the Civil and Military Station as is not required for military purposes. Similar proceedings in several other States have been concluded, apparently without difficulty, but in the case of Bangalore the negotiations have been drawn out over long years. In the course of these negotiations there arose the question of the addition of the land in question to that occupied by the Q.V.O. Madras Sappers and Miners in exchange for the transfer to the State of certain lands in other parts of the Station. It is true that, in the claim made for this portion of land, a reference was made to clause 8 of the Treaty, but in the view of this Government that reference was irrelevant. The question in issue was not one of establishing a cantonment, but one of readjustment of the boundaries of an area which is used partly for civil and partly for military purposes, so as to restore the former to the jurisdiction of the State by a process of mutual adjustment.

The claim made in 1938 was withdrawn on the ground that the Military Department had found themselves unable to pay for the extinction of private rights in the portion of the new area proposed

to be taken up which lay within cantonment limits. And the Government of Mysore cannot refrain from expressing their surprise that, with this evidence before them that the land in question was of high value and not such as would under normal conditions be taken over for a field training ground, the Government of India should attempt to insist on the payment by the Government of Mysore for an exactly similar extinction of private rights in an adjoining area of land.

The claim is now renewed, while the rest of the negotiations are apparently indefinitely postponed, and in making it the Government of India leave out of account the whole of the negotiations for an exchange, and propose to compel the Government of Mysore to pay for the extinction of private rights by bringing into operation a clause of the treaty which has never yet been applied and which, in the opinion of the Government of Mysore, was never intended to be applied in the manner now proposed.

To sum up, I am directed to say that, whereas the Treaty contemplated the maintenance of troops for the defence of the Mysore State against internal enemies, no troops are now maintained for that purpose. It follows that no cantonments are required under the terms of the Treaty for the residence of such troops. The Bangalore Civil and Military Station constitutes altogether a special case, and if the readjustment of its boundaries involves the exchange of land under State control in one locality for land under British control in another, that is a matter for adjustment as part of a major transaction and not for the invoking of a provision of the Mysore Treaty that history and conventions of fair dealings have made

obsolete.

I am to request that these views may be forwarded to the Government of India.

I have the honour to be,

Sir,

ur most obedient servant,

ef Secretary to Government.

General & Revenue Secretariat,

No. Pol.446/C.B.125-37-369. Dated, Bangalore, the 29/30th September 1940.

From

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore,

To

Major A. E. H. Macann,
Secretary to the Hon'ble
the Resident in Mysore, BANGALORE.

Sir,

Subject:- Acquisition of land for Field Works Training Ground for Q.V.O. Madras Sappers and Miners.

====

I am directed to refer to the correspondence ending with your secret D.O. letter No. R.F.352-40/Pol., dated 12th September 1940, on the subject of the acquisition of a certain peice of land which is required as part of a field training ground for the Q.V.O. Madras Sappers and Miners.

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been required in the past, the Government of India have always paid for the cost involved in the extinction of private rights. For two recent instances, I would refer you to the proposal to acquire 357 acres near Hadagodi (vide your letter No. 414/344-1931 dated 19th January 1932) and to the proposal which is still under consideration to acquire 33 acres near Rajankunte. I may add that, in the cognate case of lands required for railways, the similar provision of the Treaty has been specifically abrogated by a resolution of the Government of India.

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payment

payment by the Government of Mysore for an exactly similar extinction of private rights in an adjoining area of land.

The claim is now renewed, while the rest of the negotiations are apparently indefinitely postponed, and in making it the Government of India leave out of account the whole of the negotiations for an exchange, and propose to compel the Government of Mysore to pay for the extinction of private rights by bringing into operation a clause of the treaty which has never yet been applied and which, in the opinion of the Government of Mysore, was never intended to be applied in the manner now proposed.

To sum up, I am directed to say that, whereas the Treaty contemplated the maintenance of troops for the defence of the Mysore State against internal enemies, no troops are now maintained for that purpose. It follows that no cantonments are required under the terms of the Treaty for the residence of such troops. The Bangalore Civil and Military Station constitutes altogether a special case, and if the readjustment of its boundaries involves the exchange of land under State control in one locality for land under British control in another, that is a matter for adjustment as part of a major transaction and not for the invoking of a provision of the Mysore Treaty that history and conventions of fair dealings have made obsolete.

I am to request that these views may be forwarded to the Government of India.

I have the honour to be,

Sir,

your most obedient servant,

(sd.) B. T. KESAVIENGAR,

Chief Secretary to Government.

" Copy.

1985

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

SECRET

No. RF.352-40/Pol.

DEC 23 1940
No. 6431

CB/125-37-387

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Dated Bangalore, the 21st December *1940*.

Subd
The Govt. of India have invoked the aid of Art 8 of the Treaty after our protest. The decision is being forced on us.

Acquisition of land for Field Works Training Ground for Q.V.O. Madras Sappers and Miners.

1st member + Dewan

SIR,

I am directed to refer to your letter No.Pol.446, dated the 30th September 1940.

A D&N may please be put up quickly

2. His Excellency the Crown Representative considers that under Article 8 of the Treaty of 1913, the Government of Mysore are liable to acquire the land in question at their own cost and to hand it over with full jurisdiction.

3. I am accordingly to request that the Government of Mysore will acquire the land at their own cost at an early date and then surrender full jurisdiction over it.

4. I am to add that the Government of India stated in their recent reference that one of the chief causes of the delay at the present stage of retrocession of part of the Civil and Military Station of Bangalore was the question of the representation of the inhabitants of the Civil Station in the Mysore Reformed Legislatures but this matter is now virtually settled by your letter No1.Pol.887 CB-125-37, dated the 19th December 1940 and the whole case will be forwarded to the Government of India on receipt from you of information as to whether the new Trade and Commerce seat on the Legislative Council is to be by election or nomination.

I informed Govt because that seat for commercial interests in the City Civil Station would be filled up by election.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

Pol 1446 of 1940
CR 125-37-869

To

The Secretary to the Hon'ble the Resident
in Mysore, Bangalore.

Subject.-

Acquisition of land for Field Works Training Ground for Q.V.O. Madras Sappers and Miners.

Sir,

I am directed to refer to the correspondence ending with your secret D.O. letter, No.R.F.352-40/ Pol., dated 12th September 1940, on the subject of the acquisition of a certain piece of land which is required as part of a field training ground for the Q.V.O. Madras Sappers and Miners.

I am to say that the Government of Mysore ~~find it difficult to~~ cannot accede to the proposal that the cost of the acquisition of private rights in the land should properly be met out of Mysore revenues and that jurisdiction over it should be surrendered, and I am to request that the ~~views of this Government on the subject~~ following note may be forwarded to His Excellency the Crown Representative.

It has been the understanding of this Government that the establishment of a cantonment and the cession of the land included in it was a matter to be settled once and for all, since it would obviously be inequitable that the State should be called upon from time to time to acquire new pieces of land adjacent to a cantonment in areas where land values were steadily rising by reason of the proximity of the cantonment itself. That this view was shared by the Government of India seems to be obvious from the fact that,

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For a number of years past, there has been under negotiation with the Government of India the question of the retransfer to State ownership and jurisdiction of so much of the area of the Civil and Military Station as is not required for military purposes. Similar proceedings in several other States have been concluded, apparently without difficulty, but in the case of Bangalore the negotiations have been drawn out over long years. In the course of these negotiations there arose the question of the addition of the land in question to that occupied by the Q.V.O. Madras Sappers and Miners in exchange for the transfer to the State of certain lands in other parts of the Station. It is true that, in the claim made for this portion of land, a reference was made to clause 8 of the Treaty, but in the view of this Government that reference was irrelevant. The question in issue was not one of establishing

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To sum up, I am directed ~~desired~~ to say that, whereas the Treaty contemplated the maintenance of troops for the defence of the Mysore State against internal enemies, no troops are now maintained for that

purpose. It follows that no cantonments are required under the terms of the Treaty for the residence of such troops. The Bangalore Civil and Military Station constitutes altogether a special case, and if the readjustment of its boundaries involves the exchange of land under State control in one locality for land under British control in another, that is a matter for adjustment as part of a major transaction and not for the invoking of a provision of the Mysore Treaty that history and conventions of fair dealings have made obsolete.

I am desired to request that these views may be forwarded to the Government of India.

I have &c.
~~I have, etc.,~~

Chief Secretary to Govt.

Urgent.

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. R.F.352-40
Pol.

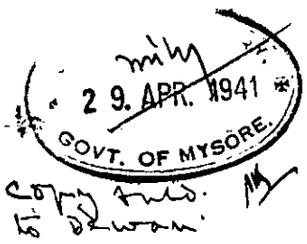
Kol 2729
5066

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.



(Camp) Ootacamund,
Dated ~~Bangalore~~, *the* 28th April *1941*.

Acquisition of land for Field Works Training Ground for Q.V.O.Madras Sappers and Miners.

SIR,

I am directed to revert to correspondence resting with my No. R.F.352-40/Pol., dated the 21st December 1940, and to say that His Excellency the Crown Representative telegraphs that a complete examination of the question (which it is understood was represented by the Dewan personally at Delhi in January 1941) of liability to defray the cost of acquisition of Plot 10, will take longer than anticipated.

2. I am accordingly to request that, in view of the urgent necessity for the extension of the Sappers and Miners Training Ground, the Mysore Government will be good enough to proceed urgently with the acquisition proceedings for "Plot 10" without prejudice to the question as to who shall eventually pay for the extinction of private rights.

3. I am to request that early intimation that acquisition proceedings have been initiated may kindly be given.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

URGENT. No.R.F.352-40/Pol. dated 28th April 1941.

DE ICE
30 APR. 1941
NC

From

The Secretary to the Hon'ble the Resident in Mysore.

T o

The Chief Secretary to the Govt. of Mysore.

..

Subject. - Acquisition of land for Field Works Training Ground for Q.V.O. Madras Sappers and Miners.

Sir,

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3. I am to request that early intimation that acquisition proceedings have been intitiated may kindly be given.

I have the honour to be,
Sir,
Your most obedient servant,

(Sd.) A.E.H. Macann,
Major.
Secretary to the Resident.

His Hs' approval may be obtained to this -

30/4

2/5/41

.....

" Copy. "

Submitted to Dewan for perusal.

Chief Secy. to Govt.

No. 4188/CB Dt 17.8.41.
Dy: 1

1

To

The Dy. Comr.

Bangalore Dt.

Sir,

I am directed to inform you that Govt have agreed to acquire a plot of land to the North-east of the present civil and Military Station Northern boundary for extension of the Field Works Training Ground for the Q.V.O. Madras Sappers and Miners and place it at the disposal of the Govt of India. The Survey numbers and the extent of this plot of land are given in the enclosure to this letter.

I am to request that proceedings may be taken to acquire the lands in question under Section 17 of the Land Acquisition Act and that the

preliminary and final Declaration Statements may be sent up immediately, in view of the fact that the land is required for war emergency.

I have etc.

16/5/44

ch. Secy to Govt.

IMMEDIATE.

No. 4188/CB
Ec/1

GS 125-37

17th May 1941.

xxxxxxxxxxx M. Venkatesa Iyengar Esq., M.A.,
[redacted]
xxxx

Development Department.

The Deputy Commissioner,
Bangalore District.

I am directed to inform you that Government have agreed to acquire a plot of land to the North-east of the present Civil and Military Station Northern boundary for extension of the Field Works Training Ground for the Q.V.O. Madras Sappers and Miners and place it at the disposal of the Government of India. The survey numbers and the extent of this plot of land are given in the enclosure to this letter.

I am to request that proceedings may be taken to acquire the lands in question under section 17 of the Land Acquisition Act and that the preliminary and final declaration statements may be sent up immediately, in view of the fact that the land is required for war emergency.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary to Government,
Development Department.

Schedule of survey numbers and areas.

Serial No.	S.No.	Kind	Area A.	Area G.	Total A.	Total G.
		(a) Bypanahalli Kayamgutta village.				
1	72	Wet	3	22	3	22
2	73	Dry	3	4	3	6
		Kharab	0	2		
3	74	Garden	1	11	1	12
		Kharab	0	1		
4	75	Dry	1	15	1	15
5	76	Wet	2	24	2	24
6	78	Dry	1	29	2	39
		Wet	1	10		
7	79	Wet	2	15	2	15
8	80	Dry	1	10	1	10
9	81	Wet	3	0	3	0
10	85	Wet	1	26	1	28
		Kharab	0	2		
11	86	Wet	0	20	0	21
		Kharab	0	1		
12	87	Wet	0	21	0	22
		Kharab	0	1		
13	88	Wet	0	34	0	35
		Kharab	0	1		
14	89	Wet	0	18	0	19
		Kharab	0	1		
15	90	Dry	3	38	4	1
		Kharab	0	3		
16	91	Wet	0	24	0	26
		Kharab	0	2		
17	92	Garden	0	11	0	11
18	93	Wet	3	2	3	2
19	94	Dry	3	20	4	12
		Wet	0	30		
		Kharab	0	2		
		Total - C/O			38	0

					A	G
				B/F	38	0
20	95	Dry	3	35	3	35
21	96	Dry	0	23	0	25
		Kharab	0	2		
22	97	Wet	1	37	1	37
23	98	Dry	1	36	1	36
24	99	Dry	3	0	3	3
		Kharab	0	3		
25	100	Wet	2	22	3	2
		Dry	0	19		
		Kharab	0	1		
26	101	Wet	0	17	0	17
27	102	Dry	1	36	2	11
		Kharab	0	15		
28	103 (part)		1	11	1	11
29	129	Dry	1	31	4	1
		Wet	2	7		
		Kharab	0	3		

(b) Bypanahalli Manavarte Village.

30	6 (part)	Dry	10	3	10	3
				Total -	70	21

- - - - -

Secretary to Government,
Development Department.

No. 4189/ CB/15 37

17th May 1941.

xxxxxxxxxxx M. Venkatesa Iyengar, Esq., M.A.,
[redacted]
xxxx

Development Department.

Subject:- Acquisition of land for Field Works Training Grounds for Q.V.O. Madras Sappers and Miners - Plot 10.

- - - -

With reference to the correspondence ending with your letter No.R.F.352-40/Pol. dated the 3rd May 1941, I am directed to state that pending disposal of the question of cost and jurisdiction, action is being taken to acquire the land referred to above and place it at the disposal of the Government of India.

I have the honour to be,

Sir,

Your most obedient servant,

17/5/41

Secretary to Government,
Development Department.

No. 4169/eB Dt 17-5-41.

11

The Secy to the Resident,

Subject :- Acquisition of land for Field Works Training Grounds for Q.V.O. Madras Sappers and Miners - Plot 10'

Sir,

With reference to the Correspondence ending with your letter No. R. Fr. 352-40/ Pol. dated 3rd May 1941, I am directed to state that action is being taken to acquire the land referred to above and place it at the disposal of the Govt of India.

pending disposal of the question of cost and jurisdiction

I have etc.

Sd 16/5/41

Ch. Secy to Govt.

Immediate.

3598
C.B.

In all future communications please quote
No ...C5-L.A.R.76/40-41.
Enc. One file.

Tel. Address.—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated Bangalore, the ..22nd..May.....194 1.

CB/25-37-387

SECY. DEV. DEPT. RCVD 26 MAY 1941 GOVT OF MYSORE

FROM

M. Muninanjappa, Esq., B.A., B.L.,
Deputy Commissioner, i/c.
Bangalore District.

To

M. Venkatesa Iyengar, Esq., M.A.,
Secretary
to the Government of Mysore.
Development Department, Bangal...

SIR,

Subject:—

With reference to your letter No.4188/C.B. dated 17-5-41 re. the acquisition of a plot of land to the north-east of the present C & M Station Northern boundary for extension of the Field-works Training Ground for the Q.V.O., Madras Sappers & Miners etc., I have the honour to forward herewith preliminary notifications and final declaration statements for the acquisition of the lands in question. The Sub Division Officer, Bangalore, reports that the cost of acquisition of the lands in question may be estimated at Rs.57,300/-. I request that provision may kindly be made for the same. Since there is a Special Land Acquisition Officer for Bangalore for the present, the acquisition of the lands in question may be entrusted to him, he being invested with the powers of a Deputy Commissioner under the Land Acquisition Act and authorised to take orders for the acquisition.

The file of connected records is enclosed herewith for favour of reference and return.

I have the honour to be,
Sir,
Your most obedient servant,

B.S. Sanjeevaraya

For Deputy Commissioner,
Bangalore District.

gvm/-

DRAFT.

Subject Acquisition of lands for Field Works Training Grounds for Q.V.O. Madras Sappers and Miners.

Section C5

File No. 125-37.

Serial No. 385

No. L 326-28/C5

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read:-

Letter No. C.5.C.A.S. 74/40-41 dated 22nd May 1941 from the Deputy Commissioner, Bangalore District, recommending sanction to the acquisition of lands situated in the Byappanahalli & Byappanahalli Kanavantha Kaval villages of Bangalore South Taluk required for ~~Ind Extension of Field~~ Works Training Grounds for the Q.V.O. Madras Sappers and Miners.

Order No. 5. Dated, Bangalore,

The acquisition of the properties recommended above is sanctioned, the ~~Assistant Commissioner in charge of~~ Special Land Acquisition officer, Bangalore, the ~~Sub Division~~ being appointed to perform the functions of a Deputy Commissioner under the Land Acquisition Act and authorised to take order for the acqusition of the said properties.

2. The declaration statements in English and Kannada will be forwarded to the Compiler, Mysore Gazette, for publication.

By ~~The cost of acquisition will be met~~ the Comptroller to Govt is requested to place required for the purpose the necessary funds at the disposal of the Dy. Comr., Bangalore pending disposal of the question as to whether the cost of Acquisition should be borne by the Govt of India or the Govt of Mysore.

Chief Secretary to Government,
Law Department.

23/5/41

To-The Deputy Commissioner, Bangalore District. (Lent)
The Comptroller to the Government of Mysore. Hno. Sri Seth
The Commissiner for Settlement, & Land Records in Mysore.

Diary No. of letter replied to

GENERAL AND REVENUE SECRETARIAT

( )

, the 194

Date of issue 2-6-1941

Signed by Mr. B.K. Venkatarama Iyer

List of enclosures

3. In view of the urgency of the matter proceedings may be taken under Sec 17 of the L.A. Act to dispense with the Tin Signed by

Examined by

When an undertaking from which the Govt has to be sent.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read:—

Letter No.C.5.L.A.R.76/40-41 dated 22nd May 1941 from the Deputy Commissioner, Bangalore District, recommending sanction to the acquisition of lands situated in the Byappanahalli and Byappanahalli Manavarthe Kaval villages of Bangalore South Taluk required for extension of Field Works Training Grounds for the Q. V. O., Madras Sappers and Miners.

...

Order No. 432628/eg 125-37-38

Dated, Bangalore, the 31st May 1941.

2nd June

The acquisition of the properties recommended above is sanctioned, the Special Land Acquisition Officer, Bangalore, being appointed to perform the functions of a Deputy Commissioner under the Land Acquisition Act and authorised to take order for the acquisition of the said properties.

2. The declaration statements in English and Kannada will be forwarded to the Compiler, Mysore Gazette, for publication.

3. In view of the urgency of the matter, proceedings may be taken under Sec.17 of the Land Acquisition Act to acquire the said lands.

4. The Comptroller to Government is requested to place the necessary funds required for the purpose at the disposal of the Deputy Commissioner, Bangalore District, pending orders as regard the source from which the cost will be met.

for Chief Secretary to Government.

To

The Deputy Commissioner, Bangalore District with records
" Comptroller to Government, through Financial Sectt.
" Commissioner for Settlement & Land Records in Mysore.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read:—

Letter No.S.S.L.A.R.76/40-41 dated 2nd May 1941 from the Deputy Commissioner, Bangalore District, recommending sanction to the acquisition of lands situated in the Byappanahalli and Byappanahalli Kaneyarthe Kaval villages of Bangalore South Taluk required for extension of Field Works Training Grounds for the G. V. O., Madras Sappers and Miners.

...

Order No. 4328-28/S B 125-37-388
Dated, Bangalore, the 31st May 1941.

The acquisition of the properties recommended above is sanctioned, the Special Land Acquisition Officer, Bangalore, being appointed to perform the functions of a Deputy Commissioner under the Land Acquisition Act and authorised to take order for the acquisition of the said properties.

2. The declaration statements in English and Kannada will be forwarded to the Compiler, Mysore Gazette, for publication.

3. In view of the urgency of the matter, proceedings may be taken under Sec.17 of the Land Acquisition Act to acquire the said lands.

4. The Comptroller to Government is requested to place the necessary funds required for the purpose at the disposal of the Deputy Commissioner, Bangalore District, pending orders as regards the source from which the cost will be met.

for Chief Secretary to Government.

To

The Deputy Commissioner, Bangalore District.
" Comptroller to Government, through Financial Sett.
" Commissioner for Settlement & Land Records in Mysore.

Acquisition of lands for Field Works Traing Ground for Q.V.O. Madras Sappers and Miners.

In 1937 in a note defining the boundaries of the areas to be retained for the Cantonment, the Government of Mysore had agreed to acquire a plot of land on the north-east corner of the Civil and Military Station northern boundary, and to transfer jurisdiction over it to the British Government. It was presumed that the cost of acquisition would be met by the military authorities. The plot measures about 70 acres and the cost of acquiring it is estimated to be about Rs.49,500. An year later, in 1938, the Residency proposed that the plot should be acquired by the Government of Mysore at their own cost as part of the retrocession proposals under Article 8 of the Mysore Treaty and cede jurisdiction over the land. The Government of Mysore demurred to this proposal. They said that they would give free such portions of the plot as belonged to them, but that in the case of lands under private ownership the cost of acquisition should be borne by the Military authorities. The Residency did not agree with this view. They stated that there was ample justification under the Treaty to require a free cession of the land from the State but the proposal itself was stated to be withdrawn for the time being. The question has now been re-opened and the Residency request that the State may acquire the land at its own cost, and transfer it to the British Government with jurisdiction over the land.

Article

Article 8 of the Treaty imposes no doubt an obligation to the grant, free of all charge, of such lands as may be required for cantonment needs and to renounce all jurisdiction within the lands so granted. A similar obligation imposed on the State by Article 14 of the Treaty to cede lands required for railway purposes has been modified by a subsequent Resolution of the Government of India which lays down that where it is proposed to acquire lands in private ownership, the Government of India would pay the same degree of compensation to the State as is payable by the State to the private owners. There is no such Resolution modifying the obligation to cede lands required for cantonment purposes.

All the same the State has not so far been called upon to fulfil this obligation to the letter. The question arose in 1905 in connection with the site for the Sappers Lines at Ganganahalli which the State was asked to transfer free of all charge. Sir James Bourdillon, the then Resident, taking his stand on the provisions of the Treaty, contended that the State was bound to hand over the land, as the land was required for military purposes. This contention was upheld by the Government of India, but the proposal itself was withdrawn. The unfairness of imposing on the State the burden of payment of compensation in such cases may be said to have been recognised by the British Government, for in actual practice the British Government itself pays the compensation required for the extinction of private rights. Thus when the military authorities wanted a plot of land measuring about 857 acres near Hadagodi, they proposed to acquire on payment of compensation

compensation. Similarly the military authorities are now proposing to acquire 88 acres of land at Rajankunte after payment of compensation.

The retained area will comprise nearly 5 square miles. If more lands are required by the Military authorities, it is but proper that the burden of payment of compensation for the extinction of private rights should be borne by them. If the lands in question were situated in the Civil and Military Station or in a British Province, the Military authorities could have taken possession of them only after the payment of such compensation. Even in Mysore it has become the normal practice, notwithstanding the provisions of Article 8 of the Treaty which should now be regarded as archaic, for such lands as are required for military purposes to be acquired on payment of compensation by the military authorities. There does not appear to be any overwhelming reasons why this practice should be departed from in this instance by resorting to a literal interpretation of the obligation imposed by the Treaty.

The question of jurisdiction also should be restated. When the Dewan was pleased to agree in December 1937, it was clearly as a part of the scheme of retrocession in view of the fact that some other area would be retroceded to the State. But such is not the case now. Not only is it not necessary to cede jurisdiction but it would be palpably unjust to ask for more area for military purposes as a reply to the indefinitely prolonged negotiations regarding retrocession.

--:o:--

General & Revenue Secretariat,

No. Pol.446/C.B.125-37-369. Dated, Bangalore, the 29/30th September 1940.

From

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore,

To

Major A. E. H. Macann,
Secretary to the Hon'ble
the Resident in Mysore, BANGALORE.

Sir,

Subject:- Acquisition of land for Field Works Training Ground for Q.V.O. Madras Sappers and Miners.

I am directed to refer to the correspondence ending with your secret D.O. letter No. R.F.352-40/Pol., dated 12th September 1940, on the subject of the acquisition of a certain peice of land which is required as part of a field training ground for the Q.V.O. Madras Sappers and Miners.

I am to say that the Government of Mysore cannot accede to the proposal that the cost of the acquisition of private rights in the land should properly be met out of Mysore revenues and that jurisdiction over it should be surrendered, and I am to request that the following protest may be forwarded to His Excellency the Crown Representative.

It has been the understanding of this Government that the establishment of a cantonment and the cession of the land included in it was a matter to be settled once and for all, since it would obviously be inequitable that the State should be called upon from time to time to acquire new pieces of land adjacent to a cantonment in areas where land values were steadily rising by reason of the proximity of the cantonment itself. That this view was shared by the Government of India seems to be obvious from the fact that, when additions to the cantonment area ha

been required in the past, the Government of India have always paid for the cost involved in the extinction of private rights. For two recent instances, I would refer you to the proposal to acquire 357 acres near Hadagodi (vide your letter No. 414/344-1931 dated 19th January 1932) and to the proposal which is still under consideration to acquire 33 acres near Rajankunte. I may add that, in the cognate case of lands required for railways, the similar provision of the Treaty has been specifically abrogated by a resolution of the Government of India.

For a number of years past, there has been under negotiation with the Government of India the question of the retransfer to State ownership and jurisdiction of so much of the area of the Civil and Military Station as is not required for military purposes. Similar proceedings in several other States have been concluded, apparently without difficulty, but in the case of Bangalore the negotiations have been drawn out over long years. In the course of these negotiations there arose the question of the addition of the land in question to that occupied by the Q.V.O. Madras Sappers and Miners in exchange for the transfer to the State of certain lands in other parts of the Station. It is true that, in the claim made for this portion of land, a reference was made to clause 8 of the Treaty, but in the view of this Government that reference was irrelevant. The question in issue was not one of establishing a cantonment, but one of readjustment of the boundaries of an area which is used partly for civil and partly for military purposes, so as to restore the former to the jurisdiction of the State by a process of mutual adjustment.

The claim made in 1938 was withdrawn on the ground that the Military Department had found themselves unable to pay for the extinction of private rights in the portion of the new area proposed to be taken up which lay within cantonment limits. And the Government of Mysore cannot refrain from expressing their surprise that, with this evidence before them that the land in question was of high value and not such as would under normal conditions be taken over for a field training ground, the Government of India should attempt to insist on the

payment

payment by the Government of Mysore for an exactly similar extinction of private rights in an adjoining area of land.

The claim is now renewed, while the rest of the negotiations are apparently indefinitely postponed, and in making it the Government of India leave out of account the whole of the negotiations for an exchange, and propose to compel the Government of Mysore to pay for the extinction of private rights by bringing into operation a clause of the treaty which has never yet been applied and which, in the opinion of the Government of Mysore, was never intended to be applied in the manner now proposed.

To sum up, I am directed to say that, whereas the Treaty contemplated the maintenance of troops for the defence of the Mysore State against internal enemies, no troops are now maintained for that purpose. It follows that no cantonments are required under the terms of the Treaty for the residence of such troops. The Bangalore Civil and Military Station constitutes altogether a special case, and if the readjustment of its boundaries involves the exchange of land under State control in one locality for land under British control in another, that is a matter for adjustment as part of a major transaction and not for the invoking of a provision of the Mysore Treaty that history and conventions of fair dealings have made obsolete.

I am to request that these views may be forwarded to the Government of India.

I have the honour to be,

Sir,

your most obedient servant,

(sd.) B. T. KESAVIENGAR,

Chief Secretary to Government.

" Copy. "

No.R.F.352-40/Pol.

From

The Secretary to the Hon'ble the Resident in Mysore.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

Dated, Bangalore, 21st December 1940

Acquisition of land for Field Works Training Ground for Q.V. Madras Sappers and Miners.

Sir,

I am directed to refer to your letter No.Pol. 446 dated the 30th September 1940.

His Excellency the Crown Representative considers that under Article 8 of the Treaty of 1913, the Government of Mysore are liable to acquire the land in question at their own cost and to hand it over with full jurisdiction.

I am accordingly to request that the Government of Mysore will acquire the land at their own cost at an early date and then surrender full jurisdiction over it.

I am to add that the Government of India stated in their recent reference that one of the chief causes of the delay at the present stage of retrocession of part of the Civil and Military Station of Bangalore was the question of the representation of the inhabitants of the Civil Station in the Mysore Reformed Legislatures but this matter is now virtually settled by your letter No.1 Pol.887 CB-125-37, dated the 19th December 1940 and the whole case will be forwarded to the Government of India on receipt from you of information as to whether the new Trade and Commerce seat on the Legislative Council is to be by election or nomination.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. A.E.H.Macann

Secretary to the Resident.